

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
TONY DURANT HARDY) Case No: 1:00CR00009-017
Date of Previous Judgment: December 13, 2000) USM No: 15784-058
(Use Date of Last Amended Judgment if Applicable)) Jim Siemens
Defendant's Attorney)

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 37* Amended Offense Level: 32

Criminal History Category: VI

Previous Guideline Range: 210 to 240 months Amended Guideline Range: 210 to 240 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): No reduction due to defendant's status as a Career Offender. The guideline range remains unchanged.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 12/13/2000 shall remain in effect.

IT IS SO ORDERED.

Order Date: July 30, 2009

Effective Date: _____
(if different from order date)

Erik H. Hargan

Lacy H. Thornburg
United States District Judge

